

## SENATE BILL NO. 96

INTRODUCED BY D. MAHLUM

BY REQUEST OF THE BUSINESS AND LABOR INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING THE WAITING PERIOD FOR RECEIVING TEMPORARY TOTAL DISABILITY BENEFITS FROM 6 DAYS TO ~~3~~ 5 DAYS ~~AND PROVIDING FOR COMPENSATION RETROACTIVELY FROM THE FIRST DAY'S LOSS OF WAGES FOLLOWING THE DATE OF INJURY IF LOSS OF WAGES CONTINUES FOR MORE THAN 14 CALENDAR DAYS~~; AMENDING SECTION 39-71-736, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 39-71-736, MCA, is amended to read:

**"39-71-736. Compensation -- from what ~~date~~ dates paid.** (1) (a) ~~No compensation~~ Except as provided in subsections (1)(b) and (1)(c), compensation COMPENSATION may not be paid for the first ~~48~~ 24 ~~40~~ hours or ~~6~~ 3 ~~5~~ days' loss of wages, whichever is less, that the claimant is totally disabled and unable to work due to an injury. A claimant is eligible for compensation starting with the ~~7th~~ 4th ~~6th~~ day. ~~— (b) Compensation must be paid from the first day's loss of wages following the date of injury if the loss of wages continues for more than 14 calendar days.~~

~~(b)(c) (B)~~ However, separate Separate benefits of medical and hospital services must be furnished from the date of injury.

(2) For the purpose of this section, except as provided in subsection (3), an injured worker is not considered to be entitled to compensation benefits if the worker is receiving sick leave benefits, except that each day for which the worker elects to receive sick leave counts 1 day toward the ~~6-day~~ 3-day ~~5-DAY~~ waiting period.

(3) Augmentation of temporary total disability benefits with sick leave by an employer pursuant to a collective bargaining agreement may not disqualify a worker from receiving temporary total disability benefits.

(4) Receipt of vacation leave by an injured worker may not affect the worker's eligibility for temporary total disability benefits."

1

2        NEW SECTION. **Section 2. Effective date -- applicability.** [This act] is effective July 1, 2001, and  
3 applies to a claim for benefits for an injury occurring on or after July 1, 2001.

4

- END -